

**TO: LICENSING AND SAFETY COMMITTEE
6 JUNE 2019**

**DISABILITY AWARENESS TRAINING
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 This report presents consultation responses to the Committee and seeks approval to introduce compulsory disability awareness training for all licensed hackney carriage and private hire vehicle drivers.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) Reviews and considers the responses to the consultation that has been carried out, and;**
- ii) Mandates that disability awareness training be carried out by all new driver and operator licence applicants before a licence is granted and thereafter on a three yearly basis, and that all existing driver and operator licence holders attend the same training within the 12 months following the first training session, and thereafter on a three yearly basis.**

3 REASONS FOR RECOMMENDATIONS

- 3.2 The Government's Inclusive Transport Strategy: Achieving Equal Access for Disabled People (July 2018) stresses the importance of the licensed taxi and private hire trade for disabled people, and includes plans for recommendations to local authorities to make disability awareness training a requirement for licensed drivers.
- 3.2 Recent issues reported to the department indicate a need for an increase in the provision of information to the trade.
- 3.3 Refresher sessions are required so that updates to legislation and best practice can be disseminated and to ensure that knowledge is kept up to date.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee could determine to exempt certain licence holders from the requirement to undergo the disability awareness training, e.g. chauffeur drivers, or reconsider the implementation of training altogether.
- 4.2 The Committee could set an alternative timescale for refresher training, e.g. every five years.

5 SUPPORTING INFORMATION

- 5.1 The Equality Act 2010 places a duty on the driver of any licensed vehicle to carry the assistance dog of a disabled passenger when required, as well as for the driver of any designated wheelchair accessible licensed vehicle to carry a passenger in their wheelchair. Drivers can be exempted from these requirements on medical grounds. These duties are in addition to section 20 of the Equality Act 2010 which requires all

Unrestricted

service providers to make reasonable adjustments to enable disabled people to access the service.

- 5.2 Since these provisions in the Equality Act 2010 came into force, the Council has received complaints suggesting that there is a lack of understanding in the trade of these duties. This has included allegations that drivers have committed offences by refusing to carry passengers who use wheelchairs.
- 5.3 When an individual applies for a licence they are required to demonstrate that they are a “fit and proper person” to hold a licence. Ensuring that licence holders understand their duties under the Equality Act 2010, both in relation to assistance dogs and wheelchair users, but also the reasonable adjustments required by all businesses and services providers, can be made part of our test of fitness and propriety.
- 5.4 The Local Government Association in their Taxi and PHV licensing Councillors’ handbook (page 31, dated August 2017), call for such training to be a mandatory requirement for all taxi and private hire drivers.
- 5.5 The recommendation is that the Council should introduce a condition requiring compulsory attendance at disability awareness training approved by the Council. The training would include topics such as what is a disability, different types of disability, the legal duties of licence holders, and the importance of the licensed trade for disabled persons. Such knowledge would, it is believed, improve the experience of disabled residents within the borough, as well as visitors to the area.
- 5.6 It is proposed for the training to be mandatory for all licence holders and new licence applicants. New applicants would be expected to complete the training before a licence is granted, and thereafter attend a refresher session once every three years. Existing licence holders would be expected to attend a session within 12 months from the date the training is first available, and thereafter attend a refresher session once every three years.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 6.2 It is intended that the training will be funded through a new charge to be included within the licensing fees.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 The Council has a duty to protect the public. To take no action could be criticised should there be a public enquiry into an incident in Bracknell Forest.

7 CONSULTATION

- 7.1 A consultation was carried out for six weeks, between 25 March 2019 and 6 May 2019.

Unrestricted

7.2 The wording of the consultation can be seen at **Annex A**.

7.3 Details of the consultation were sent by email to all licence holders for whom we have an email address, totalling 331 email addresses, and was available via the Council's online consultation portal for anyone to review and respond.

7.3 During the consultation period, a total of three responses were submitted. The full details of all responses received, along with officer comments is below:

Question 1: Details of licences held by responder	
Responder	Consultee response
1	<i>Private hire driver and private hire operator</i>
2	<i>Private hire driver and private hire operator</i>
3	<i>Other - chauffeur</i>

Question 4: Do you have any comments on the introduction of disability awareness training for new applicants and existing licensed drivers?		
Responder	Consultee response	Officer comments
1	<i>“Yes I do I do only high end corporate work there are specially adapted vehicles plted by yourselves to cover the provisions of disabled people so now you want every hackney cartridge and private hire driver to be able to carry disabled people which you want us to pick the cost up of in an allready tough enough environment to make a living so dose that mean we get the same rights as a properly adapted mobility vechicle ie to drop off and pick up in designated disabled spots I really don't see the logic in this decision exceyanother money making scheme which none of us can I'll afford and there must be insurance implyinvolved in this as well why would I want to leave myself open to be sued for handling a disabled person the wrong way I think your opening a real can of worms”</i>	<ul style="list-style-type: none"> • There appears to have been a misunderstanding in this response between the meaning disabled and wheelchair user. The intent is not for all vehicles to become wheelchair accessible, but for all drivers to be trained on the different legal requirements and how to provide a high level of service to disabled passengers. • Dispensation vehicles are not exempt from the legal requirements under the Equality Act such as carrying an assistance dog or providing 'reasonable adjustments' to allow a disabled person to use the service. • Fees for the training will be on a cost recovery basis and no money will be generated from the introduction of this training • The training is a disability awareness session, not a specialist handling course.
2	<i>“As a existing private hire driver i do not carry wheelchairs and all the time i have been working as a driver have not come across any</i>	<ul style="list-style-type: none"> • As per above, wheelchair user and disabled person are not synonymous and this training will cover topics that effect the

Unrestricted

	<i>other disabilities.”</i>	drivers of both private hire and hackney carriage vehicles.
3	<i>“As a Chauffeur for executive's I do not see why i should have to do the disability awareness training. Our vehicles are not equipped for disabled passengers, for these there are special vehicles and licensed drivers... Chauffeurs should be excluded form this training.”</i>	<ul style="list-style-type: none"> As with the other responses, not all disabled people need specially adapted vehicles in order to use a service, but are likely benefit from having a driver who has attended awareness training.

Question 5: Do you have any ideas as to the best way for information to be presented at this training, or any topics you wish to be covered?		
Responder	Consultee response	Officer comments
1	(no response)	n/a
2	<i>“None”</i>	n/a
3	(no response)	n/a

7.5 Information within the consultation responses has reinforced the need for information provision to the trade, as there appears to be a general misunderstanding as to the nature of disability itself, as well as a lack of knowledge as to the legal obligations of the licensed trade.

Background Papers

Local Government Association Taxi and PHV licensing Councillors’ handbook (August 2017)

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (June 2018)

Inclusive Transport Strategy: Achieving Equal Access for Disabled People (July 2018)

Contact for further information

Suzanne McLaughlin - 01635 502851 - Suzanne.McLaughlin@westberks.gov.uk